

**MINUTES
COLUMBUS BOARD OF ZONING APPEALS
FEBRUARY 24, 2009
COUNCIL CHAMBERS, 2nd FLOOR, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Presents: Mary Ferdon, Chairperson; Lou Marr, Vice-chairperson; Dave Bonnell, Secretary; Jeff Sharp and Tom Wetherald

Staff Present: Laura Thayer, Assistant Planning Director; Emilie Pannell and Rae-Leigh Stark, Associate Planners; Heather Pope, Senior Planner; Stephanie Carr and Bill Klakamp, Code Enforcement; Alan Whitted, Deputy City Attorney

PUBLIC MEETING

Mary Ferdon, Chairperson, opened the meeting with a brief explanation about the Board and its responsibilities.

Proof of advertising for all cases was confirmed. The petitions and staff comments are a permanent record at the Planning Department.

Alan Whitted, Deputy City Attorney, administered the oath to all in attendance that would be speaking.

OLD BUSINESS REQUIRING BOARD ACTION

C/CU-08-06: Columbus Fit

Columbus Fit is a request for conditional use approval for a softball practice field in a RT (Two-family Residential) zoning district, as provided by Zoning Ordinance Section 3.17(B). The property is located at 3475 Trestle Drive (approximately 260 feet south of Rocky Ford Road on the east side of Trestle Drive) in the City of Columbus.

C/CU-08-09: Columbus Fit

Columbus Fit is a request for conditional use approval for a health club and a softball practice field to share a 46-space parking lot, per Zoning Ordinance Section 7.1(Part 2)(A)(2). The property is located at 3475 Trestle Drive (approximately 260 feet south of Rocky Ford Road on the east side of Trestle Drive) in the City of Columbus.

C/DS-08-33: Columbus Fit

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Columbus Fit is a request for a development standards variance from Zoning Ordinance Section 7.3(Part 2) (A) for relief from the requirement to install sidewalks in all adjoining public rights-of-way; and for a development standards variance from Zoning Ordinance Section 8.1(A) for relief from landscaping requirements in the RT (Two-Family Residential) zoning district. The property is located at 3475 Trestle Drive (approximately 260 feet south of Rocky Ford Road on the east side of Trestle Drive) in the City of Columbus.

Heather Pope began the meeting by reading the background and findings of fact into the record. She gave a power point presentation.

Ms. Pope said that the proposed conditional uses will allow a softball practice field to be located south of the existing Columbus Fit Facility and allow them to share the existing parking lot. The applicant has indicated that no lights, bleachers or concession stands are proposed. She said the applicant has requested variances from zoning ordinance requirements to install landscaping and public sidewalks.

Jeff Crump stated his name and address into the record and presented his case.

Mr. Crump said that his son runs Columbus Fit and he was the owner of the property. He said their intentions were to have a softball field for the Columbus Fit employees and for family and friends.

The meeting was opened to the public

Ms. Ferdon read the following letters into the record:

Gary Cain and Pat Crimmon of 2452 Cedar Crest, were in favor of the petition with sidewalks and landscaping. They were concerned about safety.

Steve Charlton was opposed to the request.

Chris Price was in favor of the petition but thought there should be sidewalks.

Greg and Linda Nentrup of 2620 Cedar Ridge Drive were in favor of the softball field.

Heath Harrison of 2532 Cedar Crest was in favor of the petition.

Jill King of 3475 Trestle Drive was in favor of the request.

The hearing was closed to the public.

Ms. Ferdon stated that each petition would need to be voted on separately.

Dave Bonnell made a motion to approve **C/CU-08-06** to allow a softball practice field, based on the findings of fact as presented by staff.

Tom Wetherald seconded the motion and it passed by a vote of 5-0.

C/CU-08-09: Columbus Fit

Dave Bonnell made a motion to approve **C/CU-08-09** to allow a health club and a softball practice field to share a 45-space parking lot, based on the finding of fact as presented by staff.

Jeff Sharp seconded the motion and it passed by a vote of 5-0.

C/DS-08-33: Columbus Fit

Dave Bonnell made a motion to approve **C/DS-08-33**, granting relief from landscaping. He said the proposal met the criteria as follows: (1) it would not be injurious to public health, safety and general welfare of the community; (2) it would not reduce the value of the adjacent properties, and would not affect them in a substantially adverse manner; and (3) there are enough trees on the property and additional trees would be a hindrance to the ball field.

Tom Wetherald seconded the motion and it passed by a vote of 4-1.

Lou Marr made a motion to approve **C/DS-08-33** with the findings of fact as presented by staff that the sidewalks be installed along the Trestle Drive frontage, beginning at a point opposite the north point of the existing sidewalk on the west side of Trestle Drive, and north to the north property line of the parcel on which the ball field will be located.

Jeff Sharp seconded the motion that passed by a vote of 4-1.

C/CU-08-15: Patrick & Patricia McCoy

Patrick and Patricia McCoy is a conditional use approval to allow a two-family dwelling in the RE (Residential Established) zoning district, per Zoning Ordinance Section 3.12 (B). The property is located at 1202 California Street in the City of Columbus.

C/DS-08-32: Patrick & Tricia McCoy

Patrick and Tricia McCoy is a request for a developmental standards variance to establish two dwelling units of 685 and 665 square feet, which is less than the 1,000 square feet minimum living area required by Zoning Ordinance Section 3.12(C). The property is located at 1202 California Street in the City of Columbus.

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Rae-Leigh Stark read the background along with the findings of fact. There was a visual presentation made.

Patrick and Patricia McCoy stated their names and address into the record.

Ms. McCoy had a visual presentation of the house and the layout of their home.

She said that the home has 4 off street parking spots in existence.

Ms. McCoy said that their daughter plans to move into the house in the future, and they will rent the other side out.

The meeting was opened to the public.

There was a letter read from Patricia and Bonnie Risk opposed to the petition.

The meeting was closed to the public.

Lou Marr moved to approve **C/CU-08-15**, accepting the provisional findings of fact presented by staff. The motion was seconded by Dave Bonnell, and passed by a vote of 4-0, with Tom Wetherald abstaining.

Jeff Sharp made a motion to approve **C/DS-08-32**, accepting the provisional finding of fact for criterion 1. He said criterion 2 was met because there is other multi-family development in the area, so there won't be an adverse effect; and that criterion 3 is met because there would be a hardship in changing the layout of the house for single family use.

The motion was seconded by Lou Marr and passed by a vote of 4-0, with Tom Wetherald abstaining

C/DS-08-34: Columbus Behavioral Center

Columbus Behavioral Center is a request for a developmental standards variance from Zoning Ordinance Section 9.3 (D) (2) to allow a 10 foot fence in the front yard; and to allow a fence in the side and rear yards to exceed, by 2 feet, the maximum height of 8 feet. The property is located at 2223 Poshard Drive in the City of Columbus.

Rae-Leigh Stark began by reading the findings of fact into the record. A visual presentation was made.

Kelly Olwick and Dennis Richardson stated their names and addresses for the record.

Ms. Olwick said that the facility has an existing 8 foot fence and they are requesting to extend the height to 10 feet. The fence will have a finished side in public view which will enhance the appearance of the existing fence.

She said the facility will be gaining reduction of risk and enhancing safety and security for the residents.

The public hearing was opened.

No one spoke for or against the request.

The public hearing was closed.

Lou Marr made a motion to approve **C/DS-08-34**, based on the findings of fact as presented by staff.

Jeff Sharp seconded the motion and it passed by a vote of 5-0.

NEW BUSINESS REQUIRING BOARD ACTION

C/CU-09-03: International School of Columbus

The International School of Columbus is requesting conditional use approval to establish a school in a CC (Community Commercial) zoning district. The building is located at 3136 North National Road in the City of Columbus.

Emilie Pannell began by reading the background and presented a power point presentation.

Ms. Pannell stated that all the criteria had been met.

Bruce Benjamin and Joe Hauersperger stated their names and address into the record.

Mr. Hauersperger said the school is a charter public school and the vacant space in the building will be converted to 12 classrooms with a maximum of 300 students.

He said the middle school students do not drive, and there would be adequate parking on site.

Mr. Hauersperger passed out a site plan to the Board.

Ms. Ferdon had questions about the traffic at the drop off and pick up times along with safety issues.

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The Board had several questions about the entrance of the school, and the road work that will be beginning soon on National Road.

The meeting was opened to the public.

Kirk Smith, 3107 National Road, was opposed to the request.

Brenda King, 1047 Redwing Court, was in favor of the petition.

The meeting was closed to the public.

Dave Bonnell made a motion to approve **C/CU-09-03**, accepting the provisional findings of fact presented by staff, with a condition that the petitioner return to the Board of Zoning Appeals in 2 years for renewal of the application and review the safety conditions on site.

Tom Wetherald seconded the motion and it passed by a vote of 4-1.

FINDINGS OF FACT

The following findings of fact were presented to the Board for consideration:

C/DS-08-18: Brent Rea

Dave Bonnell made a motion to accept the findings of fact, Lou Marr seconded the motion. The motion carried 4-0.

C/DS-08-25: Faith Hope and Love Church

Dave Bonnell made a motion to accept the findings of fact. It was seconded by Lou Marr and carried by a vote of 5-0.

C/DS-08-11: Cummins Engine Company

The findings of fact were continued until the next meeting.

C/DS-08-35: ET US Holding

Dave Bonnell made a motion to accept the findings of fact, which was seconded by Jeff Sharp. The motion carried by a vote of 3-0.

APPROVAL OF MINUTES

Upon the motion made by Lou Marr and seconded by Tom Wetherald the minutes of November 25, 2008 meeting were approved by a vote of 5-0.

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Upon the motion made by Tom Wetherald and seconded by Dave Bonnell the minutes of December 16, 2008 meeting were approved by a vote of 4-0.

DISCUSSION

The Board approved a revised calendar that changed the April 28, 2009 meeting to April 21, 2009.

There being no further business the meeting was adjourned.

Mary Ferdon, Chairperson

Dave Bonnell, Secretary